

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KEVIN R. BERGMAN,

Plaintiffs,

V.

ST. CHARLES HOTEL ASSOCIATES, LLC
d/b/a TRU BY HILTON, ST. CHARLES, and
GIGI ANDERSON,

Defendants.

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Case No. 4:22-cv-1030

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff, Kevin R. Bergman, by and through his attorneys, Mahoney Law Firm, LLC, and for his Complaint against Defendants, St. Charles Hotel Associates, LLC d/b/a Tru by Hilton, St. Charles and Gigi Anderson, states as follows:

GENERAL FACTUAL ALLEGATIONS

1. At all times relevant herein, Plaintiff, Kevin R. Bergman, resided in Cahokia, St. Clair County, State of Illinois.
2. At all times relevant herein, Defendant, St. Charles Hotel Associates, LLC d/b/a Tru by Hilton, St. Charles (“Tru by Hilton”), was and is an Iowa limited liability company, registered to do business in the State of Missouri and doing business in St. Charles County, State of Missouri.
3. Upon information and belief, at all times relevant herein, Defendant, Gigi Anderson, was a resident of St. Charles County, State of Missouri.
4. At all times relevant herein, Defendant, Gigi Anderson, was employed by Tru by Hilton, and acting in the scope and course of her employment at the time of the acts alleged herein.

JURISDICTION & VENUE

5. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1332 in that the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different States.

6. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) in that a substantial part of the events or omissions giving rise to the claims herein occurred in the Eastern District of Missouri.

COUNT I

Defamation

Kevin R. Bergman v. St. Charles Hotel Associates, LLC d/b/a Tru by Hilton, St. Charles

COMES NOW Plaintiff, Kevin R. Bergman, by and through his attorneys, Mahoney Law Firm, LLC, and for Count I of this Complaint against Defendant, St. Charles Hotel Associates, LLC d/b/a Tru by Hilton, St. Charles (“Tru by Hilton”), states as follows:

7. Plaintiff hereby incorporates Paragraphs 1 through 6 herein as though fully set forth hereunder.

8. Defendant, Gigi Anderson, while acting in the scope and course of her employment with Tru by Hilton, made public statements on the Better Business Bureau (BBB) website stating that, “This guy Kevin very rude and racist,” when referring to Plaintiff’s employer, Green Rx, Inc.

9. At the time the statement was made, Plaintiff was the Chief Operating Officer for his employer and the primary customer representative for his employer on all accounts. All customers and potential customers knew him as “Kevin.”

10. At the time Defendant, Gigi Anderson, made the foregoing statement, she knew or should have known that the statement was false and/or made the statement with reckless disregard of its truth or falsity.

11. This statement was defamatory and false as there was no factual basis to support the statement and did not represent a statement that could be construed as pure or mixed opinion.

12. Defendant, Gigi Anderson, while acting in the scope and course of her employment with Tru by Hilton, knowingly and maliciously made the foregoing defamatory and false statement about Plaintiff as she was in a dispute over an invoice for work performed by Plaintiff's employer.

13. Defendant's agent, representative, and/or employee made the aforementioned statement with actual malice in that she knew or reasonably should have known that the statement made in an online public forum was false and that such statements would damage Plaintiff.

14. The defamatory and false statement caused actual damage to Plaintiff's reputation and his ability to develop more business and sales.

15. Defendants' malicious conduct justifies the imposition of punitive damages.

WHEREFORE, Plaintiff, Kevin R. Bergman, prays for judgment against Defendant, St. Charles Hotel Associates, LLC d/b/a Tru by Hilton, St. Charles, in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), for punitive damages in an amount to be determined at trial, and for costs of suit.

COUNT II
Defamation

Kevin R. Bergman v. Gigi Anderson

COMES NOW Plaintiff, Kevin R. Bergman, and for Count II of this Complaint against Defendant, Gigi Anderson ("Anderson"), states as follows:

16. Plaintiff hereby incorporates Paragraphs 1 through 15 herein as though fully set forth hereunder.

17. Defendant, Gigi Anderson, while acting in the scope and course of her employment with Tru by Hilton, made public statements on the Better Business Bureau (BBB) website stating that, “This guy Kevin very rude and racist,” when referring to Plaintiff’s employer, Green Rx, Inc.

18. At the time the statement was made, Plaintiff was the Chief Operating Officer for his employer and the primary customer representative for his employer on all accounts. All customers and potential customers knew him as “Kevin.”

19. At the time Defendant, Gigi Anderson, made the foregoing statement, she knew or should have known that the statement was false and/or made the statement with reckless disregard of its truth or falsity.

20. This statement was defamatory and false as there was no factual basis to support the statement and did not represent a statement that could be construed as pure or mixed opinion.

21. Defendant, Gigi Anderson, while acting in the scope and course of her employment with Tru by Hilton, knowingly and maliciously made the foregoing defamatory and false statement about Plaintiff as she was in a dispute over an invoice for work performed by Plaintiff’s employer.

22. Defendant’s agent, representative, and/or employee made the aforementioned statement with actual malice in that she knew or reasonably should have known that the statement made in an online public forum was false and that such statements would damage Plaintiff.

23. The defamatory and false statement caused actual damage to Plaintiff’s reputation and his ability to develop more business and sales.

24. Defendants’ malicious conduct justifies the imposition of punitive damages.

WHEREFORE, Plaintiff, Kevin R. Bergman, prays for judgment against Defendant, Gigi Anderson, in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), for punitive damages in an amount to be determined at trial, and for costs of suit.

Respectfully submitted,

By: /s/ Ryan J. Mahoney
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